

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, January 8, 2013

Present: Commissioner President Francis Jack Russell
Commissioner Cynthia L. Jones
Commissioner Todd B. Morgan
Commissioner Daniel L. Morris
Sue Sabo, Acting County Administrator
Sharon Ferris (Recorder)

Absent: Commissioner Lawrence D. Jarboe

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Due to the presence today of only two Commissioners who were in attendance at the December 18, 2012, meeting, adoption of those minutes will be called for at the next meeting scheduled to take place on January 15, 2013.

COUNTY ADMINISTRATOR

1. Draft Agendas for January 15 and 22, 2013.
2. **MD Cooperative Extension** (*Ben Beale, County Extension Director*)

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment moving \$7,579 of unspent funds in FY2012 from the Cooperative Extension account to the Commissioners' Emergency Reserve account. Motion carried 4-0.

3. **Department of Economic and Community Development & Housing Authority**
(*Dennis Nicholson, Director; Housing Authority for St. Mary's County;*
Crystal Wojciechowski, Program Manager; Darlene Johnson Housing Authority Board
Member; Colleen Mallbranche, Patuxent Habitat; Lanny Lancaster, Director, Three Oaks
Center)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and sign a Support Resolution in favor of Neighborhood Conservation Initiative and the ongoing collaboration known as “Building Blocks for Stabilizing Neighborhoods.” Motion carried 4-0.

4. Department of Emergency Services & Technology *(Bob Kelly, Director)*

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the revised Memorandum of Understanding between the County and the State of Maryland on behalf of the Department of Emergency Services and Technology for the construction of the Valley Lee Tower. Motion carried 4-0.

DEPT. OF HUMAN RESOURCES: DECISION ON PROPOSED 9TH AMENDMENT TO SHERIFF’S OFFICE RETIREMENT PLAN

Present: Sue Sabo, HR Director & Acting Co. Administrator

Ms. Sabo originally presented the proposed amendment on November 13, 2012. A public hearing took place on December 11, 2012. One comment received at the public hearing will be presented to the Board of Trustees. This 9th Amendment incorporates changes required by the Heroes Earnings Assistance and Relief Tax Act, the Internal Revenue Service and clarifies the definition of “active duty” in the Sheriff’s Office pension plan.

Commissioner Morgan moved, seconded by Commissioner Morris, to approve the Sheriff’s Office Retirement Plan Ninth Amendment as presented by staff and that the Ninth Amendment be subsequently incorporated into the Sheriff’s Office Retirement Plan document. Motion carried 3-0. Commissioner Jones was out of room when vote was taken.

COMMISSIONERS’ TIME

The Commissioners highlighted events attended throughout the holiday season.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morris, to enter into Executive Session for the purpose of discussing personnel matters. Motion carried 4-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Sue Sabo, HR Director and Acting County Administrator
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1
Time Held: 9:45 am – 10:30 am
Subject: Personnel

**PUBLIC HEARING: PROPOSED ZONING TEXT AMENDMENT TO MODIFY
USE TYPE A, DISTILLERY, TO ALLOW TOURS, PRODUCT SAMPLING,
RETAIL SALES AND EVENTS**

Present: Phil Shire, Director, Dept. Land Use and Growth Management
Yvonne Chaillet, Zoning Administrator, Dept. Land Use and Growth Management

Commissioner Russell opened the Public Hearing at 11:30 am. Ms. Chaillet noted for the record that Notice of Public Hearing was posted in *The Enterprise Newspaper* on December 21 and 28, 2012. The proposed text amendment will modify Use Type 12a “Distillery” to allow guided tours of the licensed premises, events, incidental retail sales, and product sampling. These changes align with recently adopted State legislation.

Mr. Sparling noted it was recently concluded that Article 2B of the Maryland Annotated Code preempts local law regulating the activities permitted by a manufacturer's License. St. Mary's County can apply traditional zoning regulations to the operation of a distillery, but cannot mandate what products are used in the manufacture. The proposed deletion of the remainder of Section 51.3.12a(6), which requires the licensees to cultivate grain or fruit in St. Mary's County is not provided for in Article 2B, and must be deleted.

Commissioner Russell opened the public hearing for public comment. There were no public comments.

ADJOURNMENT

Commissioner Russell closed the Public Hearing and adjourned the Board of County Commissioners meeting at 11:45 am.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)